

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JEFFREY RAY PEER,

Defendant.

CASE NO. 8:06CR414

CASE NO. 8:08CR100

TENTATIVE FINDINGS

The Court has received the Presentence Investigation Report (“PSR”) in these cases. The Defendant has not objected to the PSR by filing objections pursuant to ¶ 6 of the Order on Sentencing Schedule; however in the Addendum to the PSR the Defendant objected to the restitution amount and requested that the Court honor the amount stated in the plea agreement. The government adopted the PSR. (8:06CR414, Filing No. 41; 8:08CR100, Filing No. 11.) The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 2005 WL 50108 (U.S. Jan. 12, 2005), the sentencing guidelines are advisory.

The issue regarding restitution will be discussed at sentencing.

IT IS ORDERED:

1. The parties are notified that the issue of restitution will be addressed at sentencing, and if the parties require more than 30 minutes for the entire sentencing hearing they should immediately contact Edward Champion, tel. 661-7377, and reschedule the hearing;
2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court files and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are

required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and

4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 14th day of May, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge